

ANTONIO MEDEROS)
PETITIONER,)
V.)
) Immigration Court Removal Proceeding #:
BRUCE CHADBOURNE, Inteim) A23-216-636
Field Office Director for Detention)
and Removal, Boston Field Office,)
Bureau of Immigration and Customs) CIVIL ACTION NO: _____
Enforcement; the Bureau of Immigration)
and Customs Enforcement,)
Superintendent, Robert Murphy of)
Nemansket Correctional Center,)
or Aka, Massachusetts Treatment Center.)
DEFENDANT,)

" PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. 2241"

Petitioner, Antonio Mederos, here by Petitions this court for Writ of Habeas Corpus to remedy his Unlawful detention, and to enjoin his continued Unlawful detention by the Respondents.

In support of this petition and complaint for injunctive relief, Petitioner alleges as Follows:

- 1) Petitioner, Antonio Mederos, has been a Lawful Resident of the United States, And a Native and Citizen of Cuba. Mr. Mederos was ordered by the Immigration Judge of Federal Court deported on July.25, 2001 and has NOT been taken into Immigration Custody as of this Date put in hand. he has been illegally Committed to the Mass Treatment Center or as its true name is Nemansket Correctional Center which is a Prison for One day to his natural life by a Superior Court Judge, that Overrode the Federal Court judges order to deport the Petitioner, Antonio Mederos.
- 2) The Respondent, **Alberto González** is the Attorney General of the United States and is responsible for the Administration of I. C. E. and the implementation and enforcement of the Immigration Laws. As such, he is the Ultimate Legal Custodian of the Petitioner, Antonio Mederos.

3) The Respondent, Bruce Chadbourne is the Interim Field Office Director for detention and Removal, Boston Field Office, Bureau of Immigration and Customs Enforcement, Department of Homeland Security.
as such, he is the local I. C. E. Official who has or is suppose to have immediate Custody of the Petitioner, Antonio Mederos.

4) The Respondents Department of Homeland Security is the Agency Charged with implementing and enforcing the Immigration Laws.

5) The Respondent, Kathleen. M. Dennehy is Acting Commissioner, of the Massachusetts Department of Corrections, Because I. C. E. Contracts with state prisons such as the Nemansket Correctional Center, a Prison, in Bridgewater, Mass. to house Immigration Detainees or Commitments such as Petitioner, She has immediate Custody of the Petitioner, Antonio Mederos.

CUSTODY

6) The Petitioner, is detained at the Nemansket Correctional center-a Prison, in Bridgewater, Mass. I. C. E. has supposedly Contracted with the Nemansket Correctional Center to house immigration detainees such as Mr. Mederos the Petitioner the Petitioner is suppose to be under the direct Control of the Respondents in Question that is on the Front page. and their Agents.

JURISDICTION

7) This action arises under the Constitution of the United states, the Immigration and Nationality Act (" I N A "), 8 U. S. C. § 1101 et. Seq. as Amended by the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (" IIRIRA "), Pub. L. NO. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (" APA ") , 5 U. S. C. § 701 et. Seq. This Court has Jurisdiction Under 28 U. S. C. § 2241, article I § 9, cl 2 of the United States Constitution (" Suspension Clause "), and 28 U. S. C. § 1331, as the Petitioner is presently in Custody under Color Code of the Authority of the United States,

and such Custody is in Violation of the Constitution, Laws, or Treaties of the United States.

See: **ZADVYDAS V. DAVIS**, 533 U. S. 678, 121 S. Ct. 2491 (2001).

VENUE

8) Venue lies in the District of Massachusetts, because Antonio Mederos is Currently being detained at the Nemansket Correctional Center. Venue in the Distrct of Massachusetts is improper because petitioner is not in the Custody of the Respondent Bruce Chadboune, Interim Field Office Director of this District, which encompasses Massachusetts. 28 U.S.C. § 1391.

EXHAUSTION OF REMEDIES

9) The Petitioner, has exhausted his Administrative remedies to the exthent required by law, and his Only remedy is by way of of this Judicial Action. After the Supreme Court decision in **Zadvydas**, the department of Justice issued regulations governing the Custody of Aliens ordered Removed.
See: **8 C. F. R. § 241.4 This Petitioner has been ordered Deported on 7/25/2001 and was NOT taken into I. C. E. Custody on 1/14/03.**

10) No Statutory Exhaustion requirements apply to Petitioner's claim of Unlawful detention in a Prison setting after many numerous Letter have been written to Respondents.

STATEMENT OF FACTS

BACKGROUND

11) Petitioner, Antonio Mederos, was born in CUBA on May.10,1957, the Petioner came to the U.S. on July.1,1980 looking for a better life, as a **Mariel Cuban** the Petitioner lived in Lynn, Mass. (Before he was Arrested) with his Girlfriend, Hilda Sosa and his Daughter, his Closest Relatives are in the U.S.A. (2) Brothers, One is Named Jesus Mederos and Alberto Mederos,

both are U.S. Citizens, the Petitioner did not have a Passport but had been accepted by U.S. Customs under Humanitarian reasons, I lived Only in Cuba.

12) On 9/18/1989, the Petitioner had been convicted of Indecent Assault & battery in Mass and Sentenced to 9 Months.

5/21/1991, I. N. S. had a warrent and charged the Petitioner, Antonio Mederos, DEPORTED, because The Petitioner was ordered removable to his Country Cuba by the Immigration Judge Leonard. I. Shapiro on July. 25, 2001. The Appeal was waived.

13) I. C. E. never took the Petitioner into Custody for deportation Status, the petitioner Completed his sentence on 1/14/03, and after about Six Months the Petitioner said to the woman that was incharge of Record Personnel within the Institution that " he has a deportation paper from Judge Leonard. I. Shapiro a Federal Immigration Judge, and that the Petitioner was suppose to be pick-up by the U. S. marshals, And approxitately 30 days form the day that the Petitioner spoke to the woman from Records, Donna Swanson, and stated that she must put a Stop to this Commitment of the Petitioner they then FORCEFULLY Committed the Petitioner to a Sentence of One day to his Natural Life, and that was instead of having the U.S. Marshal's Office come and pick up the Petitioner, and Committed the Petitioner Antonio Mederos to a Prison for the rest of his Life until he is dead.

The Petitioner never had anything to say about the juror's because Their were two of them that kept giving the Petitioner the F. Finger about Five times, The Lawyer was Inadequate and did not Defend the Petitioner NOT ONCE, its like he was set-up from the time the Petitioner stated the things he stated to Donna Swanson the incharge of record Personnel as to his Deportation Status. the Petitioner Antonio Mederos, has been Illegally Committed to this Country's Prison System for the rest of his Natural Life, their seem's to be something Seriously wrong with the Judicial System of this Country.

When from the date stated Previously, I. C. E., or the Marshal's Dept. never came to take the Petitioner into Custody.

And just so the Judge know's what #7 Juror did to the the Petitioner by giving the Petitioner the Finger about five in many different ways under his eye and sticking it in his ear in his nose also,

Plus, the interpater is a Witnesses on this incident the Judge asked him if caught what the juror did by this action he said Yes your Honor The Petitioner asked for a New trail, and to dismiss this Petition, and to let the petitioner go to I. C. E. Immigration.

" LEGAL FRAMEWORK FOR RELIEF SOUGHT."

21) In *Zadvydas*, the Supreme Judicial Court held that 8 U.S.C. § 1231 (a)-(6), when " Read in light of the Constitution's demands, Limited an Alien's post- removal-period detention to a period reasonably necessary to bring about the Alien's removal from the United States " Id 121 S. Ct. at 2498. A " habeas must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal " Id. at 2504. If the Individual's removal is not reasonably Foreseeable, " the court should make all effort to have the Plaintiff removed from Prison and Placed within the I. C. E.

22) Evidence showing successful repatriation of other persons to the Country at issue is not sufficient to meet the the government's burden to establish that an Alien Petitioner will be deported within the foreseeable future See: **THOMPSON V. INS, 2002, U. S. district Lexis 23936 (E.d. September.16,2002.)**

COUNT ONE

SUBSTANTIVE DUE PROCESS VIOLATION

23) **Petitioner's continued detention violates his right to Substantive due process by depriving him of his Core Liberty interest to be removed by force to the I. C. E. Headquarters.**

The Due Process Clause requires that the deprivation of petitioner's Liberty be narrowly tailored to serve a Compelling Government Interest. While the respondents would have a Compelling Government interest in detaining the Petitioner in order to effect his deportation, that interest does not exist if Antonio Mederos cannot be deported. **THE SUPREME COURT IN ZADVYDAS** Thus interpreted INA § 241 to allow continued detention only for a period reasonably necessary to serve the Aliens removal because any other reading would go beyond the government's articulated interest to effect the Aliens removal.

COUNT TWO

STATUTORY VIOLATION

- 24) Petitioner re-alleges and incorporates by reference Paragraphs 1 through 23 above.
- 25) **Petitioner's** continued detention by the Respondant's violates INA § 241 (a) (6), as interpreted in *Zadvydas*. Petitioner's six-month presumptively reasonable period for continued removal efforts passed Two Years (2) Ago. For the Reasons outlined above in Paragraphs 1 through 23, Petitioner's removal to Cuba is not reasonably foreseeable.
The Supreme Judicial Court held in *Zadvydas* that the continued detention of someone after Six Months where deportation is not reasonably foreseeable is Unreasonable and in Violation of INA § 241.

COURT THREE

PROCEDURAL DUE PROCESS VIOLATION

- 26) **Petitioner** re-alleges and incorporates by reference Paragraphs 1 through 25 above.
- 27) **Under** the due process Clause of the United States Constitution, and alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. The Petitioner in this case has been denied that opportunity as there is no Administrative Mechanism in Place for the Petitioner to demand a decision, ensure that a decision will ever be made, or appeal a custody decision that violates *Zadvydas*.

PRAYER FOR RELIEF

Wherefore, the Petitioner prays that this Honorable Court grant the following relief:

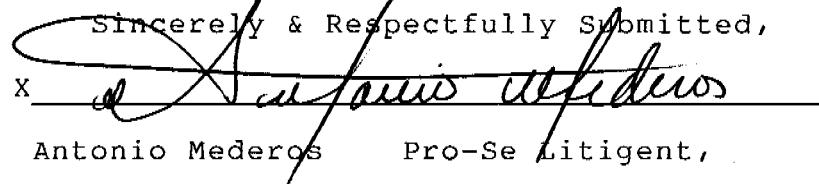
- 1). Assume Jurisdiction over this matter;
- 2). Grant the petitioner a Writ of habeas Corpus directing the Respondent's to immediately have the petitioner taken from the Nemansket Correctional Center and brought to the I. C. E. per-order of the Federal Court Judge Leonard. I. Shapiro.
- 3). Order the Respondent's to refrain from Delivering the Petitioner to a Jurisdiction other than the Jurisdiction of I. C. E. Boston District during the pendency of these proceedings and while the petitioner remains at said resident.
- 4). **Grant the Petitioner relief under these Restrictions:**
 - 1). Deliberate Indifference
 - 2). Negligence
 - 3). Mental Cruelty in the highest Degree
 - 4). Improper Overcrowding
 - 5). Staff is Ignorant of the petitioners needs
 - 6). Injunctive Relief of the Amount of \$45,000,000.00 Forty-Five Million
- 5). **Grant any other and further relief which this Court deems just and Proper.**

Continued from 4).

 - 7) Statutory Limitations
 - 8) Substantive due process limitations
 - 9) Procedural Due Process Limitations.

I affirm, Under penalty of Perjury, that the forgoing is True and Correct. This Petitioner Respectfully Submits this

2 Day of the Month December in the Year 2004.


Sincerely & Respectfully Submitted,
X Antonio Mederos
Antonio Mederos Pro-Se Litigent,

Dated 12-17-2004

MASSACHUSETTS SIGNATURE WITNESSING

Gov. Exec. Ord. #455 (03-13), §5(f)

Commonwealth of Massachusetts

County of Plymouth

} ss.

On this the 1 day of DEC, 2004, before me,

Month

Year

Manuel James Botelho, the undersigned Notary Public,
Name of Notary Public

Personally appeared Antonio M. Geros,

Name(s) of Signer(s)

Proved to me through satisfactory evidence of identity, which was/were

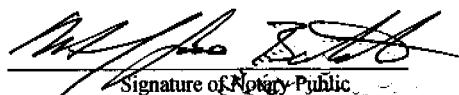
Antonio I.D. # 48222

Description of Evidence of Identity

To be the person(s) whose name(s)

Was/were signed on the preceding or

Attached document in my presence.

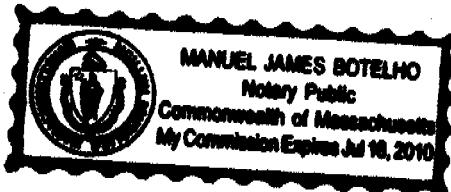


Signature of Notary Public



Printed Name of Notary

My Commission Expires 10 July 2010



Place Notary Seal and/or Any Stamp Above

OPTIONAL

Although the information in this section is not required by law it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Right Thumbprint
Of Signer

Top of thumb here

S.D.P. Clearance

Needs

Processing

Cleared

N/A

DATE 10-17-02PREPARED BY Barb Lesperance - NCCI

"DEDUCTIONS FROM SENTENCE" SUMMARY SHEET

W69026Inmate: & No. MEDEROS, Antonio

GOVERNING RELEASE DATE

Parole	Minimum	Maximum	G.C.D.
<u>3-17-03</u>	<u>3-17-03</u>	<u>3-18-03</u>	<u>None</u>

Effective Date of Sentence: 3-18-00Period Beginning: 8-02

Dates

Ending: 12/02

Dates

Total Deductions Allowed in Computing
Adjusted Released Dates from Governing Release
Dates:

Good Conduct 40 Camp —
129 D — Blood —

Total Good Conduct Forfeitures:
(Not to be included in computation)

ADJUSTED RELEASE DATES
Includes Camp Time, Blood Time, 129 D Time

Parole	Minimum	Maximum	G.C.D.
<u>2-5-03</u>	<u>2-5-03</u>	<u>2-6-03</u>	<u>None</u>

129 D (only)

Since Last Request-Dated

8-02Camp: —Blood: —

INITIALS

DATE

IMMIGRATION COURT
JFK FEDERAL BLDG., ROOM 320
BOSTON, MA 02203-0002

In the Matter of

AS-MEDEIROS-SUAREZ, ANTONIO
Respondent

Case No.: A23-216-636

Mederos, Antonio

W69026

SECC

This is a summary of the oral decision entered on Jul 25, 2001.

This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ or in the alternative to _____.

Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____.

Respondent's application for asylum was ()granted ()denied ()withdrawn.

Respondent's application for ~~deferral of removal~~ of removal was ()granted ()denied ()withdrawn.

Respondent's application for cancellation of removal under section 240A(a) was ()granted ()denied ()withdrawn.

Respondent's application for cancellation of removal was ()granted under section 240A(b)(1) ()granted under section 240A(b)(2) ()denied ()withdrawn. If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.

Respondent's application for a waiver under section _____ of the INA was ()granted ()denied ()withdrawn or ()other.

Respondent's application for adjustment of status under section _____ of the INA was ()granted ()denied ()withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.

Respondent's status was rescinded under section 246.

Respondent is admitted to the United States as a _____ until _____.

As a condition of admission, respondent is to post a \$ _____ bond.

Respondent knowingly filed a frivolous asylum application after proper notice.

Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

Proceedings were terminated.

Other: _____

Date: Jul 25, 2001

Appeal: Reserved Appeal Due By:

both

Leonard I. Shapiro
LEONARD I. SHAPIRO
Immigration Judge

ACIEN NUMBER: 23-216-636

ALIEN NAME: AS-MEDETROS-SUAREZ, ANTONIO

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P) *STF 43*
TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP INS *1-25-01*
DATE: 1-25-01 BY: COURT STAFF

Attachments: EOIR-33 EOIR-28 Legal Services List Other

Q6

Antonio Mederos
30 Administration Road
Bridgewater, MA 02324

Sally K. Valley
Attorney at Law
One Main Street
Cambridge, MA 02142

May 22, 2003

Dear Sally:

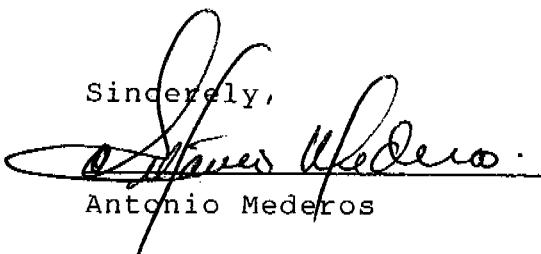
I am writing this letter to ask that you consider a few things which may be helpful to my defense.

1. Motion for dismissal based on the failure of the DA to abide by the time limits set out by the SJC in Kennedy. (There is a requirement that commitment proceedings begin at least 4 months prior to discharge.)
2. Dismissal based on the violation of the plea agreement. (While this is not another "punishment", M.R.Crim.P. 12(c)(3)B requires notification of any additional proceedings under the Sexually Dangerous Persons statute.)
3. Exclusion of the reports of the qualified examiners. The reports of Bard, Tomlich and Delisi were not based on any interviews done. This was based on my difficulty with the English language. The named QEs relied on the report of Barbara Quinones who never conducted an interview.
4. Motion to exclude my criminal records of any cases which did not result in a guilty finding or which do not demonstrate a propensity for violence.

Finally, I would ask that you send me copies of the Kennedy, Bruno and Reese cases. We are not allowed to copy cases here and I do not receive enough time in the library to be able to read and understand the cases.

Thank you in advance for your time and for your hoped for response.

Sincerely,


Antonio Mederos

cc. file

*Edward Howood.
Gregory Gonzalez*

Antonio Mederos
30 Administration Road
Bridgewater, Ma. 02324

August 18, 2003

Justice Leonard Shapiro
Immigration Court
JFK Federal Building Rm. 320
Boston, Ma. 02203-0002

RE: CA. # A23-216-636

Dear Honorable Justice Shapiro,

You made an order for my deportation back to Cuba on July 25th, 2001. As of this date, I have not been deported as you ordered. Since your order was made, the Suffolk County District Attorney filed a MGL 123A Civil Commitment Petition against me to override your deportation order.

Is this legal? What must be done to correct this problem? Can State Courts override Federal Immigration Court orders when no criminal proceedings are involved?

Would you please respond telling me how to proceed to enforce your order.

Also I ended my sentence on January 14, 2003 and I've been incarcerated against my will.

cc: Selly K. Vallely Esq.
Federal Procedurer
District Attorney Suffolk County.

cc: file

Respectfully,

Antonio Mederos
M- 82272

U.S. DEPARTMENT OF JUSTICE
IMMIGRATION COURT
BOSTON, MASSACHUSETTS 02203

ANTONIO MEDEIROS
30 ADMINISTRATION RD.
BRIDGEWATER, MA 02324

Date: September 04, 2003

File: A# 23-216-636

In the Matter of: ANTONIO MEDEIROS

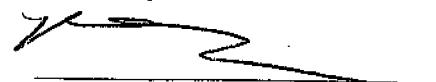
Attached is a copy of the written decision of the Immigration Judge. This decision is final unless an appeal is taken to the Board of Immigration Appeals. The enclosed copies of FORM EOIR 26, Notice of Appeal, and FORM EOIR 27, Notice of Entry as Attorney or Representative, properly executed, must be filed with the Board of Immigration Appeals on or before _____. The appeal must be accompanied by proof of paid fee (\$110.00).

Enclosed is a copy of the DECISION/RULING/ORDER by of the Immigration Judge.
COV to: TERMINATION ORDER.

Enclosed are Notices of hearing for above Respondents.

All papers filed with the Court shall be accompanied by proof of service upon opposing counsel.

Sincerely,



Court Clerk

cc: INS/TAU / MOORE, HELEN
JFK FED. BLDG.
BOSTON, MA 02203

Antonio Mederos
30 Administration Road
Bridgewater, MA 02324

Law Office of Sally K. Vallely
One Main Street, 8th Floor
Cambridge, MA 02142

September 9, 2003

Re: Enclosed Document

Dear Ms. Vallely:

I am writing this letter to bring to your attention the enclosed letter which I received from the Immigration Court.

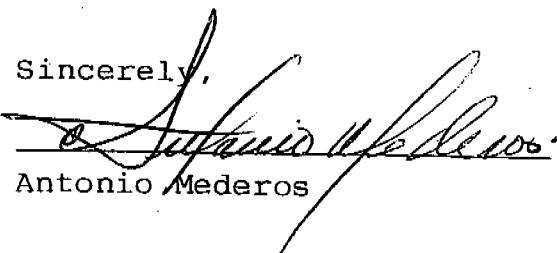
As you can see, Judge Leonard Shapiro states that the Commonwealth of Massachusetts cannot override his order of deportation. As such, I should be in the custody of the INS and not here at the Treatment Center.

I am asking that you contact the INS and make whatever arrangements are necessary for the INS to come pick me up for detention at their facility. This will clearly end the morass which I am now involved in with the Commonwealth.

Please let me know what happens and what is said so that I may again contact Judge Shapiro if it becomes necessary.

Thank you in advance for your time and hoped for timely action on this matter.

Sincerely,


Antonio Mederos

Antonio Medeiros
30 Administration Rd.
Bridgewater, mass 02324
August, 18-03

To: Justice Leonard Shapiro
Immigration Court.
JFK Federal Building Rm. 320
Boston, MASS 02203-0002

NC
100 AUG 22 PM 12:27
EXHIBIT 100
THE STATE OF MASSACHUSETTS
vs.
MARGARET MC
GOWAN, et al.
Boston, Mass.

Enclosed please find a copy of the following documents which I wish to bring to your immediate attention in regards to my case.

Thank you for your attention to this letter.

On File:

Sincerely
Virginia Hodder

C.C. LAW OFFICE OF
Sally K. Valley
One Main St 8th F
Cambridge, MASS 02142

9.3.03. The state court
cannot override my
deportation order. & if the
U.S. Immigration Bureau
cannot deport you. You
should request a
hearing to determine
whether or not you
should be released
from custody.

Look this URGENT
Stop that civil case on the

Judge Lynn

ANTONIO MEDEROS
30 Administration rd
Bridgewater, MASS 02324

JUSTICE: Leonard I. Shapiro
immigration court
J.F.K. Federal Building Room: 320
BOSTON, MASS 02203

SEPT. 23-2003

RE. CA. A#23-216-636

Justice; Leonad I. Shapiro

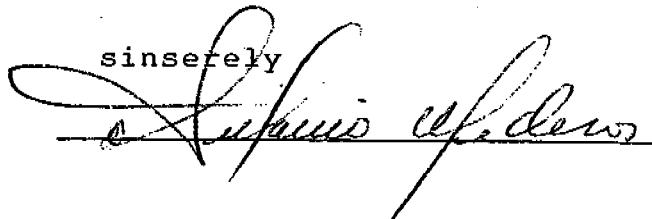
I am writing this to bring to you attention a series problems that I am having in getting you order of deportation enforced I wrote to you on Agust.18 -03 advising you of this matter , Andyou responded on Sept.3-2003 stating that (T)he State Court cannot override (YOUR) Deportation ORDER..

I have brought this matter to my state Atterney and have been reapeatedly told that the immigration court order has not effect and, in any event , the I.N.S. will not come to this instution to pick me up . there appears to be a power stuggle here?.

I am asking that an order issue to I.N.S. Officers responsible instruting them to take costudy presuant to you order of deporta-
tion, and futher that said order be enforced forthwith.

Thank you in advance for you time and consideration in this very importat matter.

sinserely



C/c file
conclosure.

certificate of service

I Antonio Mederos Certify i haved a true copy of the
within to the:

OFFICE OF DISTRICT COUNSEL
DEPARTMENT OF HOMELAND SECURITY
J.F.K. FEDERAL BUILDING ROOM: 425
15 NEW SUDBURY STREET
BOSTON, MASS 02203

postage prepaid/ in hand service, on 11 day of 18 2003

Antonio Mederos
signature

THIS IS A RULING OF THA JUDGER : SHAPIRO

I have a misunderstanding, but if you do federal or state
time the Dept of I.N.S. DON't came to pick you up after,
you complete you centence.

As soon you complete you centence federal or state time
I.N.S. is came and pick you up and my deportation order to

11-13-2003

Justice: Leonard I Shapiro
IMMIGRATION COURT
J.F.K.FEDERAL BUILDING ROOM: 320
BOSTON, MASS 02203

CASE:A#23-216-636

Dear Judge Leonard I Shapiro

I am sorry to be pestering you I believe there has been a misunderstanding in my communication with you, If you please,
1-) I have completed my state prison term and not serving a FEDERAL SENTENCE.

2-) The Commonwealth has petitioned for me to be civilly committed under (MGL. CH . 123-A which is a hostile civil law targeting sex Offenders who have completed their sentences, and discriminative use.

3-) I wish to go back to my country as soon as possible as you have ordered.

4-) The district attorney here will apparently stop at nothing to over ride your deportation order in order to imprison me for life to a prison that pretends to be a treatment facility on paper.

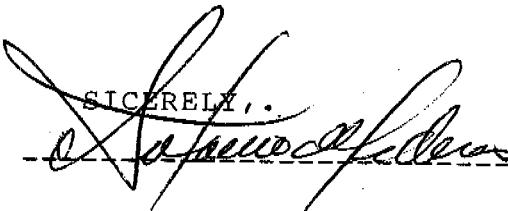
5-) At this time the state Court has **OVER RULED** your FEDERAL ORDER to deport me back to CUBA(INS) (How Justice "CONNOLLY J., Suffolk CTY).

6-) If needed you may contact my attorney ;
SALLIE K. VALLEY
One Main st.
8th floor
Cambridge, MASS 02142
(617-577-7224)

7-) Would you please issue an "**OFFICIAL COURT ORDER**" that I be over to the **INS** From with without obstruction.

I thank you for your attention in this matter and PRAY that this matter can be resolved soon so that I may return back to my country and my family.

C/c file
Office of Dist Counsel
Dept. of Homeland Security.


SINCERELY,

PAGE#(1)

ANTONIO MEDEROS
30 Administration rd
Bridgewater, mass 02324

Chief Justice/Administrative Judge
Chief Justice;SUZANNE V. DELVECCIO
J.W.McCormack post office Courthouse
15Th floor
90 Devonchare st
Boston mass 02109

RE: Commonwealth v. ANTONIO MDEROS
CIV. NO# SUCV 2002-05688

DEAR,CHIEF Justice ;SUZANNE V. DELVECCIO

I wold like to bring to you attention and respectfully request that a complaint be against the Honorable, JUSTICE: PAULA CONNLLY JUDGE for the violation of my constitutional right for the violate of my due process at trial and for failure to comply with a federal court order of deportation .

Below is a brief summary of events at trail that are of important facts of said violation?

The judge (CONNOLLY J.) Refuced to dismiss the petition to civilly commit me under M.G.L: 123A and to obey the federal judge order of deportation ruled,(JULY 25 2001)(by judge Leonard I. Shapiro) and to release me to the costudy of the I.N.S....

2-) I had no knowledge of or was i allowed to be part of the jury selection.

3-) I did not sign a jury trail agreement.

4-) The state police fron a 1992 case gave testimony . this is a violation of due process.

5-) The D.A. fron a 1997 case gave testimony which is also a violation of my due process..

6-) A vidiotape fron a victm in a 1997 case was use at trail which is in violation of my due process,

7-) Dismissed and mistermine/misdamenor charge were used as testimony (STATE, law state that these charge are inadmissible in court.

8-) My plea agreement contract was violated because the petition under G.L, 123A WASN't part of that contract agreement (And I'am have 10 year probation supervised.

9-) The D.A. showed (#2 Board signs relate to crime of conviction to the jury .this is a violation becauce this is civil proceeding. not criminal, My const. right were violated. Under M.G.L.123A only Q.E. reports and state of mind are admissible in court as evidence.(Only the corrent state of mid is determined, not past history.)

10-) Durring the trial(jury nomber #7) was seen by myself and my interpitor, giving, me the finger atotal of (5 times,) I'am informed this incident to my attorney and she giving the informed to the judge was informed of this incident but nathing was dane both jury members were allowerd to remain throughout the trial.

11-) At the end of trial jurror #7 and #2 were taken lake nathing Happened??

PAGE#(2)

PLEASE SEE THIS CASES....

A-)Defendant is entitled to new sentencing(Commentment) as hight to impartial adjudication is so bacie to fair that its infraction can't never be tracted is harmless error,
fuller v. johnson; 114-f3d. 491 c5thc.v.1997...

B-) The presence of a biaseb juror cannot be harmless! THE error requiere a new trial withat a showing of actual prejudice because it introduces a structural defect not subject.to harmless error analysis.

Dyer v. Calderon 151 F3d. 970 C9th cin 1998

C-)Defendants Sixth Amendment Rights Are Violated even if only one Juror was unduly biased on improperly influenced
U.S. v. Sarkisian 197-F3d. 966. 19th cin 1999

It is very clear that my constitutional right, due process right have been vilitated ..

Also it a fact that the state court has taken upon Itself to disregard and ignore a federal judges ordre to deport me and furthemore to turn me over to the costudy of the I.N.S...

By right of law, I request that I be turned over to the I.N.S.and the federal order to deport me be Honored.and the civil order to commit under (MGL 123A be dismissed forthwith.

Iprond of you for what you said in the Boston Herald paper on 11-17 2003. No one has the right to past judgement or predict the future only GOD" and peaply like yourself.

I think tha it is illegal to punish people for the same crim twice and thy have already pay for crim,

I feel that this is double jeopardy and is inconstitutiona of are right as humenbeing and to pervent the freedom of these peoples constitutional right to thire freedom afte they have served thire sentences.

I THINK THAT IF THEY MANDATE THAT THESE PEOPLE BE PLACED ON PROBATION OR SOME TYPE OF MONITORING PROGRAM AFTER FINISH IS CENTENCES...

JUSTICE: SUZANNE DELVECCIO ,. HEAD OF THE STATE SUPERIOR COURT,. Said Judge's ruly on doctor's expertise in deciding predator.fate's

Its not easy and It's probably some of the most dificult decision making a Judge 's we make because no one has,

A CRISTOL BALL".... DELVECCIO SAID ???.

RESPECTFULLY AND SINCERLY

I state under the pains and penalty of perjury,tha the above statement is true and just...

COMMONWEALTH OF MASSACHUSETTS
THE SUPERIOR COURT
90 DEVONSHIRE STREET
BOSTON, MA 02109

December 8, 2003

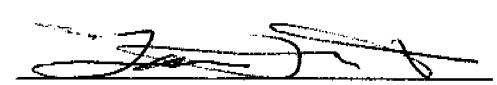
To: Antonio Mederos
30 Administration
Bridgewater, MA 02324

Re: Correspondence
No. SUCV 2002-05688

The correspondence you sent to one of the Justices is being returned to you because the Justices may not review or consider *ex parte* communication from any parties in a civil or criminal case.

If you have matters which you want the Court to act upon you, or your attorney, must file a Motion with the Clerk's office in the county where the case was originally decided. The Clerks office will then forward the Motion to the proper Judge for review.

If your appellate attorney is Nancy O'Leary, the office is located at 875 Massachusetts Avenue, Suite 32, W. Cambridge, MA 02139 (phone #617- 864- 8055.



Administrative Office

Page 6

Doc specializes in freeing offenders

■ Last of three parts.

By MAGGIE MULVIGHILL
and JONATHAN WELLS

The state paid a Whitinsville psychologist \$416,000 over the last three years to argue for the release of more than 100 sex offenders who

prosecutors
■ MOLESTERS TO
STAY LOCKED UP:
AFTER SJC MOVE.
PAGE 25
claim are
too dan-
gerous to
be on the

street.

Records obtained by the Herald and Fox 25 reveal Dr. Joseph J. Plaud has made a handsome living off of the state's public defender system, which has hired him again and again to provide the same testimony — that sex offenders are not sexually dangerous and should not be re-committed to prison.

In an interview yesterday, Plaud said he has testified in favor of sexually dangerous criminals in more than 100 cases.

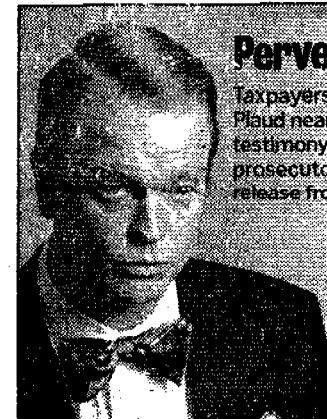
"I have never testified that someone is sexually dangerous," Plaud said. "The best statistics show that most sex offenders don't reoffend."

State law directs prosecutors to seek to re-commit sex offenders to prison if evidence shows they are still sexually dangerous at the end of their sentences.

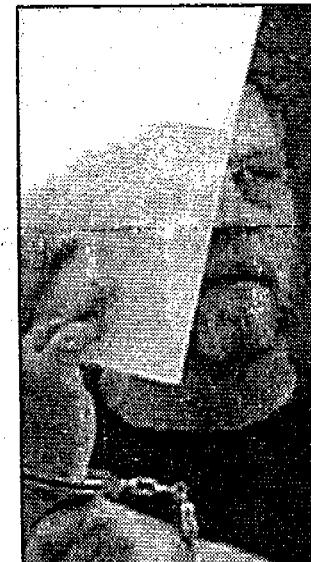
Several prosecutors told the Herald privately that Plaud, who is paid through the Committee for Public Counsel Services, is a "hired gun" who invariably finds that sex offenders pose no threat to the community. One accused him of providing "cookie cutter" testimony.

Plaud objected. "I'm a good witness. I (anger) these district attorneys," he said. "Money doesn't influence me."

Plaud claimed prosecutors are overzealous when it comes to sex offenders. "There are prosecutors who will say at the drop of a dime someone is sexually dangerous," he said. "I'm probably sexually dangerous according



Source: State Comptroller



MISTAKE: Dr. Joseph J. Plaud said David Partridge, above, was fine, but he re-offended.

to them."

Plaud said in about 25 cases he determined the offender was still sexually dangerous, but the public defenders did not put him on the stand.

In one case, Superior Court Judge John C. Cratsley challenged Plaud's assessment last year of Michael Lehman, who had served 15-20 years for forcible rape. The judge found Plaud's testimony about Lehman — who had masturbated in front of a female prison guard — unpersuasive.

One of the offenders Plaud successfully recommended

Perverting public funds

Taxpayers paid psychologist Joseph J. Plaud nearly a half-million dollars for court testimony in defense of sex offenders who prosecutors said were too dangerous to release from prison. Here's the breakdown:

FISCAL YEAR	AMOUNT
2001	\$125,850
2002	\$153,300
2003	\$144,592
2004	\$92,305
Total	\$416,047

STAFF GRAPHIC

HERALD EXCLUSIVE

for release in 2002, David Partridge, 45, went on to sexually assault and threaten to kill an 18-year-old Fitchburg woman.

Partridge had a violent criminal history, including two rapes in 1980 and 1983, one of a 13-year-old girl.

Plaud admitted yesterday he erred in the Partridge case.

Plaud had testified that Partridge was not sexually dangerous and should be released. The state appealed that decision, and the Supreme Judicial Court upheld the decision to release Partridge.

the sex offender back to prison.

Mederos had raped a 14-year-old Barnstable girl in 1989, and while on probation for that crime indecently assaulted three young sisters from Dorchester, lawyers said.

While on probation for the Dorchester assaults, Mederos was charged with raping his 14-year-old son and sexually attacking his adult girlfriend.

William Leahy, general counsel for CPCS, defended Plaud's payments yesterday, saying experts for indigent defendants must be paid if the civil commitment law is to work properly.

"You cannot do this cheaply and have it be constitutional," Leahy said. "Every dollar he has been paid has been approved by a judge. There is nothing underranded about it."

THURSDAY, MARCH 11, 2004

BOSTON HERALD